

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION**

MERIAL LIMITED and MERIAL S.A.S

Plaintiffs and Counterclaim-Defendants,

v.

VELCERA, INC. and FIDOPHARM, INC.

Defendants and Counterclaim-Plaintiffs.

Case No. 3:11-cv-00157-CDL

**MERIAL’S MOTION FOR PROTECTIVE ORDER TO STAY DISCOVERY ON  
VELCERA’S COUNTERCLAIMS AND TO QUASH SUBPOENAS**

Pursuant to Federal Rules of Civil Procedure 26 and 45, Plaintiffs Merial Limited and Merial S.A.S. (collectively, “Merial”) move this Court for (i) a protective order to stay discovery on Defendants Velcera, Inc.’s and FidoPharm, Inc.’s (collectively, “Velcera’s”) Counterclaims., and (ii) for an order to quash Velcera’s subpoenas on Lambert Vet Supply, LLC and Douglas W. Lambert (the “Lambert Subpoenas”) pending the Court’s ruling on Merial’s Motion to Dismiss.

Merial’s Motion to Dismiss Velcera’s Counterclaims is pending with the Court. Velcera, however, is engaging in extensive and expensive discovery on its Counterclaims, including issuing subpoenas for depositions and documents to non-parties located in Lincoln, Nebraska. To save time and money of the parties, non-parties, and this Court, and for the reasons set forth more fully in the accompanying Memorandum of Law, Merial requests that the Court issue a protective order and stay discovery on Velcera’s Counterclaims, and quash the Lambert Subpoenas, pending the Court’s ruling on Merial’s Motion to Dismiss.

Respectfully submitted, this 23rd day of March, 2012.

**/s/ Edward D. Tolley**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this date filed the foregoing MERIAL’S MOTION FOR PROTECTIVE ORDER TO STAY DISCOVERY ON VELCERA’S COUNTERCLAIMS AND TO QUASH SUBPOENAS, via the Court’s CM/ECF system, which will automatically give notice to all counsel of record.

This 23<sup>rd</sup> day of March, 2012.

s/ Edward D. Tolley

Edward D. Tolley